

Docket No.: 50229-267

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventive Application of

Peter Anthony CROOKS, et al.

Serial No.: 09/881,215

Filed: June 15, 2001

Group Art Unit: 1614

Examiner: Vickie Kim

For: AGMATINE AND AGMATINE ANALOGS IN THE TREATMENT OF  
EPILEPSY, SEIZURE AND ELECTROCONVULSIVE DISORDERS

RECEIVED  
JUL 08 2003  
PATENT  
TECH CENTER 1600/2900

#10  
7/12/03  
J. Kim

**RESPONSE TO OFFICIAL ACTION**

Mail Stop Response to Restriction  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action dated June 13, 2003 in this application. In the action a restriction was required between Group I, claims 1-4, drawn to a pharmaceutical composition, and Group II, claims 5-20, drawn to a method of treating convulsive disorders. In response to this requirement, Applicants elect the invention of Group II, directed to claim 5-20 and directed to the method of treating, ameliorating or preventing epilepsy, seizure or electroconvulsive disorders.

The requirement for restriction is respectfully traversed and reconsideration is requested. As the Examiner notes, the method of the Group II claims is carried out using the composition of the Group I claims. Therefore, Applicants submit that a single inventive concept has been presented and all claims should be considered in a single patent application.


Election of species is also required between the several species of active ingredient. In response to this requirement, Applicants elect the species agmatine. Of the elected invention, all of claims 5-20 are readable on the elected species. The requirement for election is respectfully traversed and reconsideration is requested. As the Examiner notes, claim 6 is generic to the elected specie as well as the other species disclosed in the application. Accordingly, on the allowance of a generic claim, all such species within the generic claim would be allowable, making the election requirement moot. Therefore, reconsideration of the requirement for election is respectfully traversed.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

  
Robert L. Price  
Registration No. 22,685

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 RLP:ajb  
Facsimile: (202) 756-8087  
**Date: July 7, 2003**